

adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; and (2) one motion to recommit.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's* "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alter-

native views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Madam Speaker, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.J. RES. 69, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 869 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 869

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 69) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 2. During consideration of House Joint Resolution 69 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the joint resolution to such time as may be designated by the Speaker.

SEC. 3. The chairman of the Committee on Appropriations shall insert in the Congressional Record at any time during the remainder of the first session of the 110th Congress such material as he may deem explanatory of appropriations measures for the fiscal year 2008.

SEC. 4. House Resolution 839 and House Resolution 850 are laid upon the table.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. DIAZ-BALART). All time yielded during the consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Ms. SLAUGHTER. Madam Speaker, I ask unanimous consent that all Mem-

bers be given 5 legislative days in which to revise and extend their remarks on House Resolution 869.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 869 provides for the consideration of H.J. Res. 69, a simple, 1-week extension of the fiscal year 2008 continuing resolution.

Madam Speaker, every Congress has the constitutional responsibility to be good stewards of the money entrusted to it by the American people. It is one of our most important responsibilities. Voters do not expect us to abdicate that responsibility, or any other, for that matter.

I am proud to say that we here in the House of Representatives have fulfilled our fiscal responsibility to the American people by passing all of our appropriations bills on time. We in the majority have been absolute in our promise to construct and pass spending bills with broad bipartisan support, and I am proud to say we have delivered on those promises.

Of the 12 fiscal year 2008 appropriations bills that have passed the House this year, we have garnered an average of 50 Republican votes, with one bill collecting as many as 187 votes from the minority. And in that spirit of working together, we have successfully pushed ahead our bold and new agenda and passed legislation that prioritizes veterans health care, education and energy independence.

Madam Speaker, we all agree that it is unfortunate that we are forced to pass a continuing resolution. But, it is something that must be done to work out the remaining issues that we have. We all understand it is our prime duty to make sure that the government is running efficiently, from our children who need quality education to our veterans who need the benefits promised to them when they signed up to serve our country, and to our senior citizens who need access to health care and affordable prescription drugs.

Many on the other side still fought tooth and nail, with some Members holding up the legislative process, in fighting these bipartisan appropriations bills, but we remained focused and strong and passed our bills on time.

It is important to note that continuing resolutions are extremely common, with a CR being enacted for every fiscal year since 1954. Additionally, Congress has averaged five continuing resolutions per year. And I would like to say to my friends on the other side of the aisle that over the last 10 years of Republican control, the House has considered 75 continuing resolutions.

Madam Speaker, this is an important resolution that will allow us to do the work necessary to fulfill our promises to the American people, and I urge its passage.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, first, I would like to thank my friend, the distinguished chairwoman, Ms. SLAUGHTER, for the time, and I yield myself such time as I may consume.

Madam Speaker, here we are 74 days into the new fiscal year, and the new majority is requesting their third continuing resolution to fund the government because they failed to pass the necessary appropriations bills.

As of today, only one appropriations bill funding the Department of Defense has been signed into law. What is the status of the rest? Well, another one has made it to a conference committee, and the rest of the appropriations bills wait for the majority to decide what to do. They control both Houses of Congress, and yet they still have to decide what to do.

They had a chance to bring their record to two appropriations bills signed into law. But instead, the majority decided to play politics with a bill that had extraordinary bipartisan support, the Veterans Affairs Appropriations Act, because the majority thought they could use it as a campaign ploy.

The new majority promised that they would finish their appropriations work. About a year ago, my friend, the distinguished chairwoman, Ms. SLAUGHTER, came to the floor and said things would be different under the leadership of the new majority. She said, and I quote, "The House will no longer avoid asking tough questions or fail to live up to its most basic duties."

Well, today we see that that has not been possible. Next week, the majority is expected to propose an omnibus appropriations bill for all the appropriations bills that haven't been finished. That bill will probably run into the thousands of pages and spend nearly half a trillion dollars. Members may not have enough time to read and digest that legislation before they are asked to vote on it. And unless the majority decides to move the omnibus appropriations bill through a conference committee, that bill will fall squarely within one of the loopholes to the majority's earmark rule, and the rules of the House then would not require any disclosure of earmarks that will be contained in that massive omnibus appropriations bill. The majority should not be asking Members to vote on a bill that may include numerous earmarks that no one is going to be able to vet and that most won't even be able to see.

Because of this loophole in the earmark rule, I, along with Mr. DREIER, Mr. HASTINGS and Mr. SESSIONS, sent a letter to the distinguished chairman of the Appropriations Committee, Mr. OBEY, asking him to "adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to the consideration by the Rules Committee."

I sincerely hope that Chairman OBEY will comply with our request. If he

does, that would, to an extent, provide Members with a bit of comfort when the bill comes to the floor.

COMMITTEE ON RULES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 6, 2007.

Hon. DAVID R. OBEY,
Chairman, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN OBEY: Today the Committee on Rules reported a "martial law" rule to provide for the same day consideration of an omnibus appropriations vehicle. That measure also includes a provision giving you the option of inserting extraneous explanatory material in the Congressional Record for appropriations measures for the remainder of this session.

During the markup of that measure, we offered an amendment to the rule to require that you provide the list of earmarks required by clause 9 of rule XXI for the omnibus appropriations measure. Unfortunately, that amendment to the rule was rejected along partisan lines.

Mr. Chairman, we know that you have made an effort during this Congress to provide transparency for earmarks contained in bills coming through your committee. However, because the omnibus appropriations bill will be considered as a Senate amendment to a House bill, it falls squarely within one of the loopholes of the earmark rule and the Rules of the House will not require any disclosure of earmarks that will be contained therein. As you were the presiding officer over the motion to concur in the Senate amendment to H.R. 6, the energy bill, you are well aware that no list of earmarks was provided for that measure because it fell within the same loophole.

We respectfully request that you adhere not just to the letter of clause 9 of rule XXI, but to its spirit as well and provide the Rules Committee and the House with a list of earmarks contained in the omnibus appropriations bill prior to consideration by the Rules Committee. That kind of disclosure will be in the best interest of the House, its Members, and the Nation.

We appreciate your willingness to consider our request.

Respectfully,

DAVID DREIER,
DOC HASTINGS,
LINCOLN DIAZ-BALART,
PETE SESSIONS.

Madam Speaker, the new majority, again, has failed to live up to their promises to finish their work on time and many others, and the underlying third continuing resolution is just another example of their failure to lead.

I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I would ask my friend, Mr. DIAZ-BALART, if he has any speakers.

We have no speakers, either, so if the gentleman would like to close, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Again, I thank my friend.

Madam Speaker, I will be asking for a "no" vote on the previous question so that we can amend this rule and move toward passing the conference report on the bipartisan Military Construction and Veterans Affairs Appropriations Act that I made reference to a few minutes ago. The House passed the veterans and military funding bill on June 15 of this year by a vote of 409-2. The Senate followed suit and named conferees on September 6 of this year.

Unfortunately, the majority leadership in the House has refused to move

the Military Construction and Veterans Affairs Appropriations Act. They have even refused to name conferees. Instead, the majority plans to include the veterans funding in the massive omnibus appropriations legislation. But the status of the omnibus is still in doubt.

□ 1045

Negotiations apparently are ongoing, but we all know there is one bill that has extraordinarily wide bipartisan support and that the President will quickly sign it into law, the Veterans Affairs appropriations bill. We already know that we are going to be here next week. We should pass the Veterans Affairs appropriation bill and provide the veterans the funding they deserve.

I urge my colleagues to help move this important legislation and oppose the previous question. Our veterans deserve better than partisan gamesmanship holding back their funding.

Madam Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, at this time, I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I urge a "yes" vote on the previous question and the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 869 OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 5. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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the rule as “a motion to direct or control the consideration of the subject before the House being made by the Member in charge.” To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that “the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition” in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: “The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.”

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Ms. SLAUGHTER. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 869, if ordered; ordering the previous question on H. Res. 859; and adoption of H. Res. 859, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 184, not voting 25, as follows:

[Roll No. 1156]

YEAS—222

Abercrombie	Gutierrez	Neal (MA)
Ackerman	Hall (NY)	Oberstar
Allen	Hare	Obey
Altmire	Harman	Olver
Andrews	Hastings (FL)	Ortiz
Arcuri	Herseth Sandlin	Pallone
Baca	Higgins	Pascarell
Baird	Hill	Pastor
Baldwin	Hinchee	Payne
Barrow	Hirono	Perlmutter
Bean	Hodes	Petersen (MN)
Becerra	Holden	Pomeroy
Berkley	Holt	Price (NC)
Berman	Honda	Rahall
Berry	Hoyer	Rangel
Bishop (GA)	Inslee	Reyes
Bishop (NY)	Israel	Richardson
Blumenauer	Jackson (IL)	Ross
Boren	Jackson-Lee	Rothman
Boswell	(TX)	Roybal-Allard
Boucher	Jefferson	Ruppersberger
Boyd (FL)	Johnson (GA)	Rush
Boyd (KS)	Johnson, E. B.	Ryan (OH)
Brady (PA)	Jones (OH)	Salazar
Braley (IA)	Kagen	Sánchez, Linda T.
Brown, Corrine	Kanjorski	Sanchez, Loretta
Butterfield	Kaptur	Sarbanes
Capps	Kennedy	Schakowsky
Capuano	Kildee	Schiff
Carnahan	Kilpatrick	Schwartz
Carney	Kind	Scott (GA)
Castor	Klein (FL)	Scott (VA)
Clarke	Kucinich	Serrano
Clay	Lampson	Sestak
Cleaver	Langevin	Shea-Porter
Clyburn	Lantos	Sherman
Cohen	Larsen (WA)	Shuler
Conyers	Larson (CT)	Sires
Cooper	Lee	Skelton
Costa	Levin	Slaughter
Costello	Lewis (GA)	Smith (WA)
Courtney	Lipinski	Snyder
Cramer	Loebsack	Solis
Crowley	Lofgren, Zoe	Space
Cuellar	Lowe	Spratt
Cummings	Lynch	Stark
Davis (AL)	Mahoney (FL)	Stupak
Davis (CA)	Maloney (NY)	Sutton
Davis (IL)	Markey	Tanner
Davis, Lincoln	Marshall	Tauscher
DeFazio	Matheson	Taylor
DeGette	Matsui	Thompson (CA)
DeLaunt	McCarthy (NY)	Thompson (MS)
DeLauro	McCollum (MN)	Tierney
Dicks	McDermott	Towns
Dingell	McGovern	Tsongas
Doggett	McIntyre	Udall (CO)
Donnelly	McNerney	Udall (NM)
Doyle	McNulty	Van Hollen
Edwards	Meek (FL)	Velázquez
Ellsworth	Meeks (NY)	Visclosky
Emanuel	Melancon	Walz (MN)
Eshoo	Michaud	Watson
Etheridge	Miller (NC)	Watt
Farr	Miller, George	Waxman
Fattah	Mitchell	Weiner
Filner	Mollohan	Welch (VT)
Frank (MA)	Moore (KS)	Wexler
Giffords	Moore (WI)	Wilson (OH)
Gillibrand	Moran (VA)	Woolsey
Gonzalez	Murphy (CT)	Wu
Gordon	Murphy, Patrick	Wynn
Green, Al	Murtha	Yarmuth
Green, Gene	Nadler	
Grijalva	Napolitano	

NAYS—184

Aderholt	Boehner	Campbell (CA)
Akin	Bonner	Cannon
Alexander	Boozman	Cantor
Bachmann	Boustany	Capito
Bachus	Brady (TX)	Carter
Baker	Broun (GA)	Castle
Barrett (SC)	Brown (SC)	Chabot
Bartlett (MD)	Brown-Waite,	Coble
Barton (TX)	Ginny	Cole (OK)
Biggart	Buchanan	Conaway
Bilbray	Burgess	Crenshaw
Bilirakis	Burton (IN)	Davis (KY)
Bishop (UT)	Buyer	Davis, David
Blackburn	Calvert	Davis, Tom
Blunt	Camp (MI)	Deal (GA)

Dent	Kingston	Ramstad
Diaz-Balart, L.	Kirk	Regula
Diaz-Balart, M.	Kline (MN)	Rehberg
Doolittle	Knollenberg	Reichert
Drake	Kuhl (NY)	Rogers (MI)
Dreier	LaHood	Rohrabacher
Duncan	Lamborn	Ros-Lehtinen
Ehlers	Latham	Roskam
Emerson	LaTourette	Royce
English (PA)	Lewis (CA)	Ryan (WI)
Everett	Linder	Sali
Fallin	LoBiondo	Saxton
Feeney	Lucas	Schmidt
Ferguson	Lungren, Daniel E.	Sensenbrenner
Flake	Manzullo	Sessions
Forbes	Marchant	Shadegg
Fortenberry	McCarthy (CA)	Shays
Fossella	McCaul (TX)	Shimkus
Fox	McCotter	Shuster
Franks (AZ)	McCrery	Simpson
Frelinghuysen	McHenry	Smith (NE)
Gallely	McHugh	Smith (NJ)
Garrett (NJ)	McKeon	Smith (TX)
Gerlach	McMorris	Souder
Gilchrest	Rodgers	Stearns
Gingrey	Mica	Sullivan
Gohmert	Miller (FL)	Tancredo
Goode	Miller (MI)	Terry
Goodlatte	Moran (KS)	Thornberry
Granger	Murphy, Tim	Tiahrt
Graves	Musgrave	Tiberi
Hall (TX)	Myrick	Turner
Hastings (WA)	Neugebauer	Upton
Hayes	Nunes	Walberg
Hensarling	Pearce	Walden (OR)
Herger	Pence	Walsh (NY)
Hobson	Peterson (PA)	Wamp
Hoekstra	Petri	Weldon (FL)
Hulshof	Pickering	Weller
Hunter	Pitts	Westmoreland
Inglis (SC)	Platts	Whitfield (KY)
Issa	Poe	Wicker
Johnson (IL)	Porter	Wilson (NM)
Johnson, Sam	Price (GA)	Wilson (SC)
Jordan	Pryce (OH)	Wolf
Keller	Putnam	Young (FL)
King (IA)	Radanovich	
King (NY)		

NOT VOTING—25

Bono	Hinojosa	Reynolds
Cardoza	Hoolley	Rodriguez
Carson	Jindal	Rogers (AL)
Chandler	Jones (NC)	Rogers (KY)
Cubin	Lewis (KY)	Wasserman
Culberson	Mack	Schultz
Ellison	Miller, Gary	Waters
Engel	Paul	Young (AK)
Heller	Renzi	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1109

Mr. NEUGEBAUER changed his vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 2082, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 859, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.